

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200210316

February 26, 2002

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), DIVISION OF HIGHWAYS, 1548 Mail Service Center, Raleigh, North Carolina, 27699-1548, has applied for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act TO EXCAVATE AND DISCHARGE DREDGED OR FILL MATERIAL INTO SECTION 404 WETLANDS, TO IMPROVE A 1.6 MILE SEGMENT OF SR 1149 (MONTGOMERY ROAD), FROM SR 1150 TO THE END OF STATE MAINTENANCE, IN HYDE COUNTY, NORTH CAROLINA. Approximately 0.98 acres of riverine and non-riverine wetlands will be filled and 5.0 acres drained by the proposed project. Additionally, the applicant proposes to increase pipe lengths in two unnamed tributaries to Wood Creek that would impact 0.008 acres of open waters of the United States.

BACKGROUND:

An after-the-fact (ATF) public notice dated March 1, 2001 (Action ID 20011538), detailed previous and unauthorized work on SR 1149/1150. The section of Montgomery Road discussed in the ATF public notice is contiguous to the work advertised in this public notice. NCDOT discharged fill material into 2.06 acres of pine flatwoods and 0.016 acres of coastal marsh and drained 10.13 acres of pine flatwoods without DA approval. NCDOT is currently awaiting a permit decision to continue work on the unfinished section of Montgomery Road. All work was stopped on Montgomery Road after discovery of the violation.

PROJECT DESCRIPTION:

The following description of work is taken from data provided by the applicant and from observations made during on-site inspections by a representative of the Corps of Engineers. SR 1149 currently consists of a gravel surface with shallow roadside ditches. NCDOT is proposing widening the existing road to an 18-foot paved roadway with 5-foot shoulders and 10-foot wide, 1.7-foot deep ditches. Two tributaries to Wood Creek will be impacted due to pipe lengthening (360 square feet, 40 linear feet).

Wetland impacts will occur on ten wetland communities, consisting of non-riverine pine flats, tidal brackish water marsh, riverine hardwood, and non-riverine hardwood flats. Total impacts to jurisdictional wetlands are 5.98 acres (1.49 riverine and 4.49 non-riverine) from widening the road and excavating new ditches. NCDOT proposes to compensate for wetland impacts at the proposed Bishop Road Mitigation Bank in Hyde County.

According to NCDOT, the purpose and need for the proposed project is to provide a safe, efficient roadway to one (1) house, two (2) trailers, and a boat landing. The forest industry will also use the proposed roadway.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (DWQ) has determined the applicability of a Water Quality Certification as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

Based upon available information, the District Engineer has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service (50 CFR Part 600).

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to Authorize a proposal and if so the conditions, under which it will be allowed to occur, are Therefore determined by the outcome of the general balancing process. That decision should Reflect the national concern for both protection and utilization of important resources. All Factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1)

guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

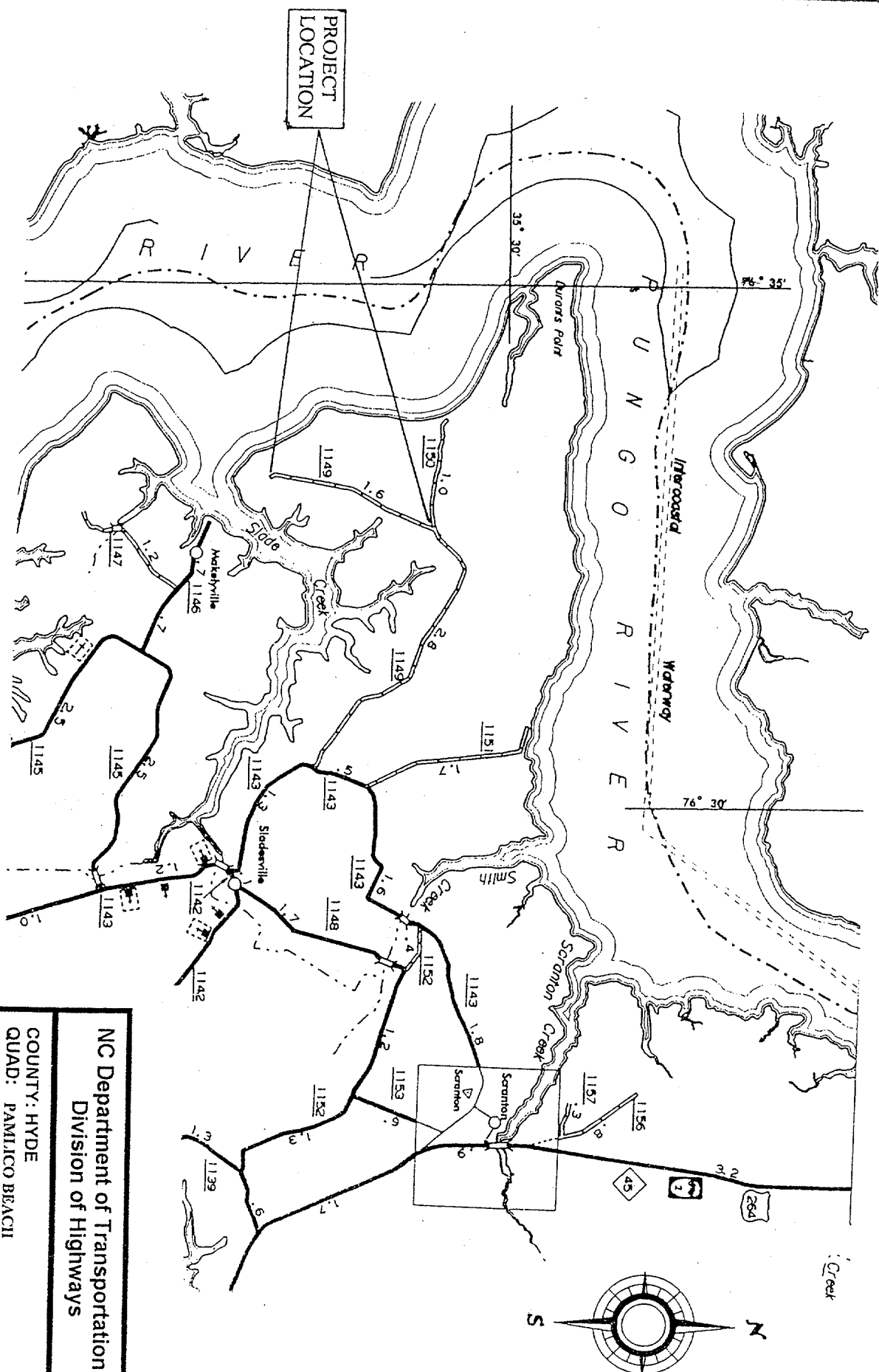
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, **on or before March 18, 2002**, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Michael F. Bell, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, until 4:15 p.m., March 29, 2002.



NC Department of Transportation
Division of Highways

COUNTY: HYDE
 QUAD: PAMLICO BEACH
 BASIN: TAR-PAMLICO
 PROJECT: MONTGOMERY RD (SR-1149)
 DATE: JULY 26, 2001
 VICINITY MAP

NOW OR FORMERLY
WEYERHAEUSER
NO REFERENCE

C/O BARBARA KHOURY
P.O. BOX 1391
NEW BERTI NORTH CAROLINA 28560

MATCH
STA

148+75 BEGIN WETLANDS AS DELINEATED

CUT OVER

STA = 146+55.62 TO
SECTION OF SR 1150 = 106.02'
ANG = S 69°48'01" W

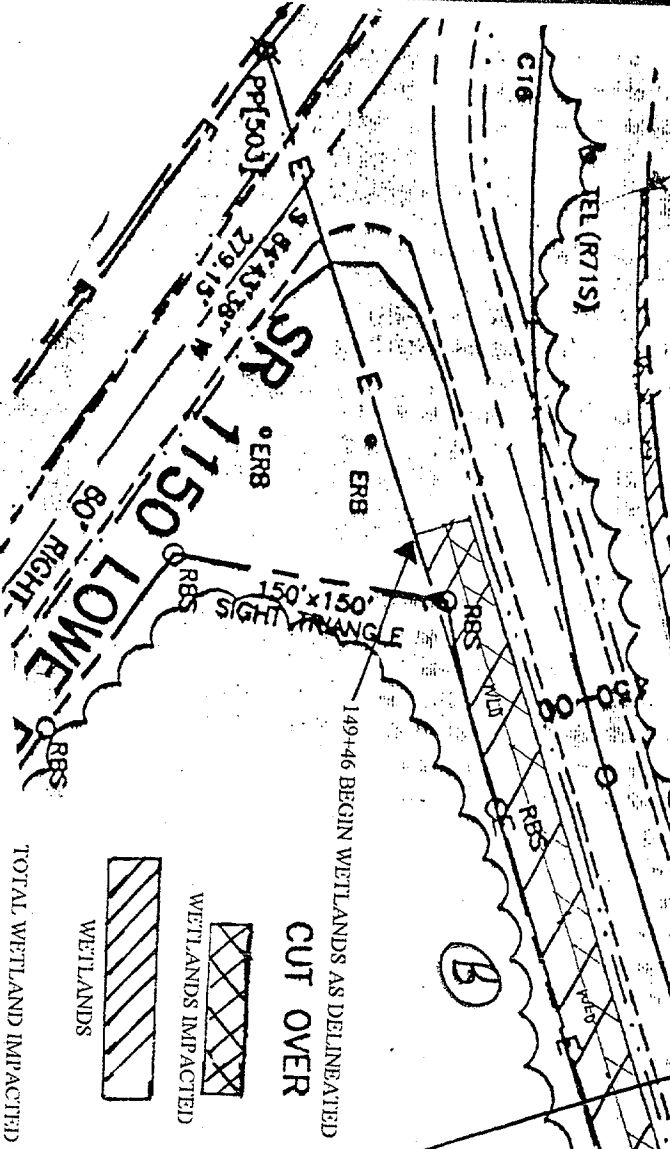
SR 1149

MONTGOMERY ROAD

X-SECTION 151+00

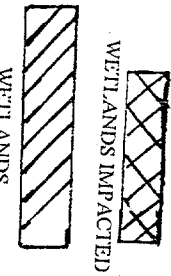
EXISTING ROAD

NOW OR FORMERLY
WEYERHAEUSER
NO REFERENCE



TOTAL WETLAND ACREAGE WITHIN R/W = 0.195

TOTAL WETLAND IMPACTED = 0.071



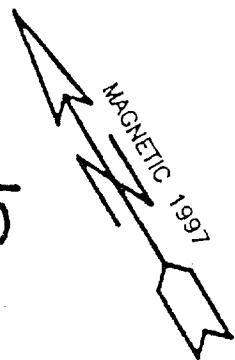
CUT OVER

149+46 BEGIN WETLANDS AS DELINEATED

NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 50'

PERMIT DRAWING: 2. of 18



NOW OR FORMERLY
WEYERHAEUSER
NO REFERENCE

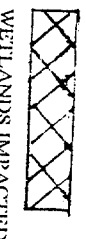
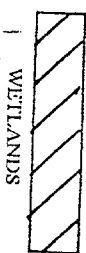
C/O BARBARA KHOURY
P.O. BOX 1391
NEW BERN, NORTH CAROLINA 28560

MATCH LINE
STA 153+00

NOW OR FORMERLY
WEYERHAEUSER
NO REFERENCE

C/O BARBARA KOURY
P.O. BOX 1391
NEW BERN, NORTH CAROLINA 28560
PI STA = 156+40.16

TOTAL WETLAND IMPACTED = 0.092
TOTAL WETLAND ACREAGE WITHIN R/W = 0.180



CURVE C-17
DELTA = 0°37'49"
R = 5729.58
L = 63.03
CH = 63.03
BRG = S 32°04'35" W
T = 31.51
D_a = 1°00'00"
E = 0.09

PC STA = 156+08.65

PT STA = 156+71.67

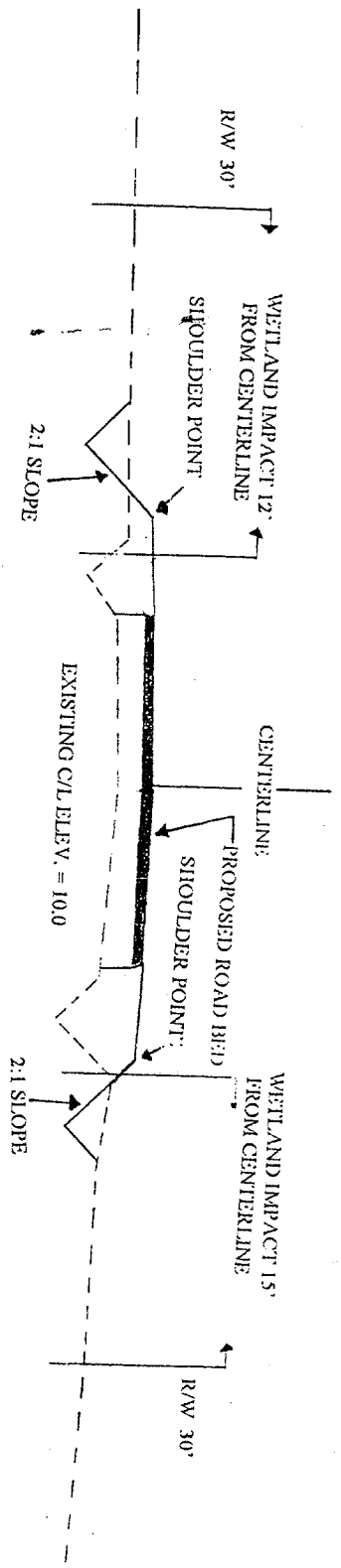
156+40 END WETLANDS
AS DELINEATED

EXISTING ROAD

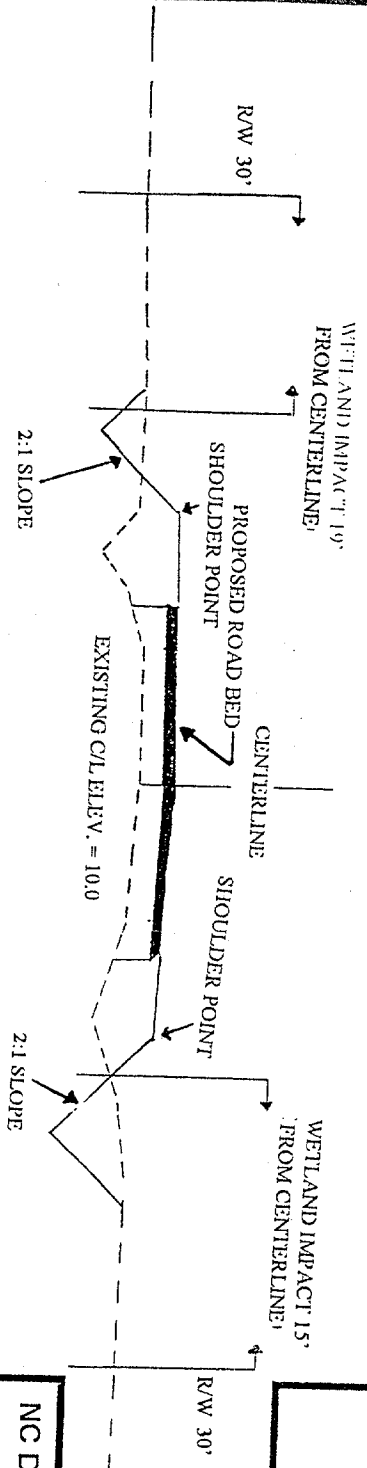
NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 60'

PERMIT DRAWING: 3 of 18



CROSS-SECTION 153+50



CROSS-SECTION 151+00

SYMBOLS

Proposed
Cross-section

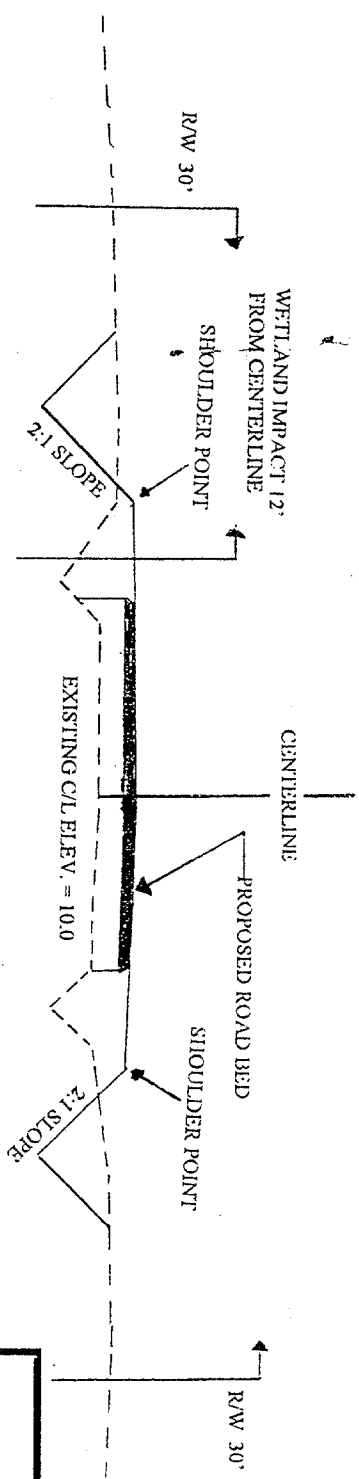
Existing
Cross-section

SCALE
Horizontal: 1" = 10'
Vertical: 1" = 5'

NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1238)
DATE: JULY 26, 2001
STATION:

PERMIT DRAWING: 4 of 18



SYMBOLS

Proposed
Cross-section

Existing
Cross-section

SCALE

Horizontal: 1" = 10'
Vertical: 1" = 5'

NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD. (SR-1149)
DATE: JULY 26, 2001

PERMIT DRAWING 5 of 18

CROSS - SECTION 155+00

170+34 BEGIN WETLANDS AS DELINEATED

X-SECTION 170+40

170+55 END WETLANDS AS DELINEATED

60' RIGHT-OF-WAY

ROAD

EXISTING ROAD

173+70 BEGIN WETLANDS AS DELINEATED

X-SECTION 173+80

173+84 END WETLANDS AS DELINEATED

PASTURE

TEL(91W)

C18

PP[6011]

DITCH

DITCH

DITCH

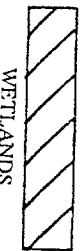
CULTIVATED FIELD

NOW OR FORMERLY
CHANCY J. SAWYER, JR.
DB:95; P:866

PC STA = 172+88.35

CURVE C-18
DELTA = 131°8'36"
R = 1494.67
L = 347.21
CH = 348.43
BRG = S 38°24'59" W
T = 174.39
D = 350'00"
E = 10.14
PI STA = 174+62.74

RT. 1, BOX 16
SCRANTON, NORTH CAROLINA 27875



WETLANDS



WETLANDS IMPACTED

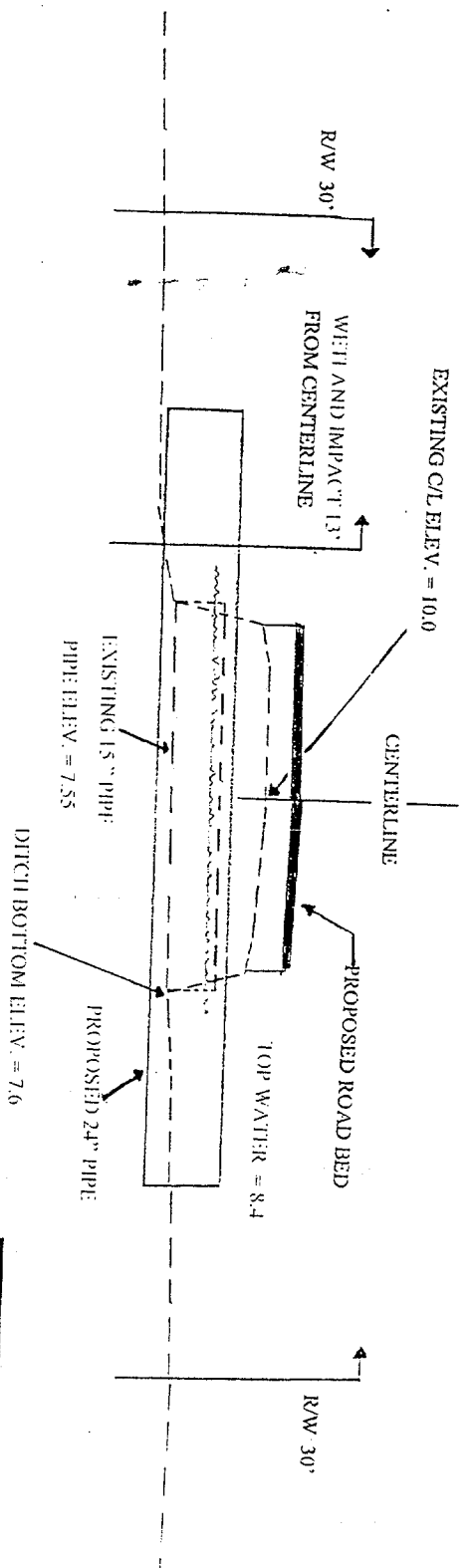
TOTAL WETLAND ACREAGE WITHIN ROW = 0.014

TOTAL WETLAND IMPACTED = 0.003

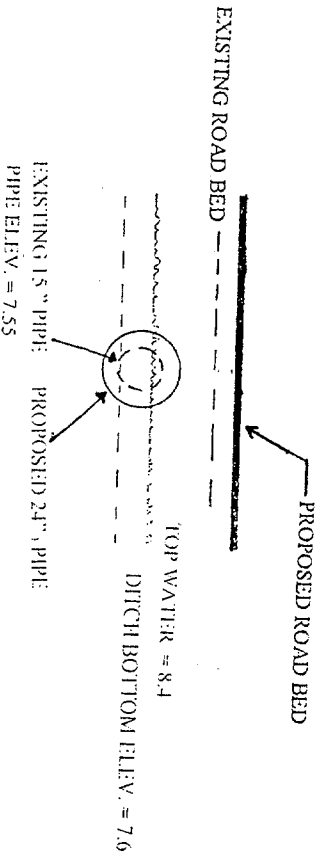
NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 50'

PERMIT DRAWING: 6 of 18



CROSS-SECTION 170+40



END VIEW 170+40

SYMBOLS

Proposed
Cross-section

Existing
Cross-section

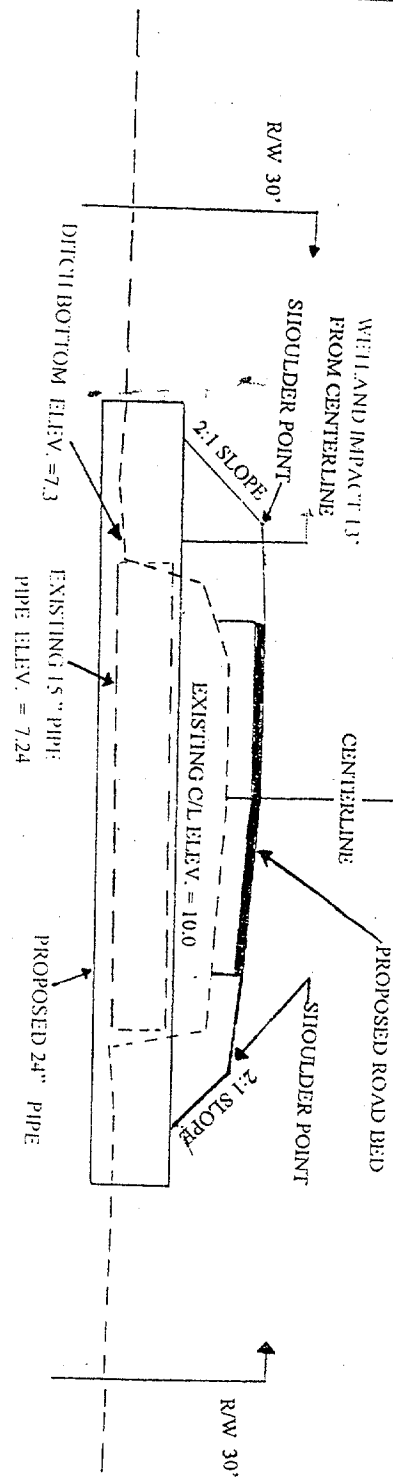
SCALE

Horizontal: 1" = 10'
Vertical: 1" = 5'

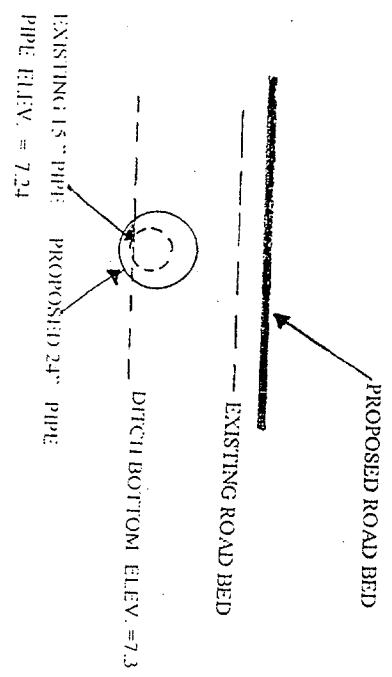
NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1149)
DATE: JULY 26, 2001
STATION:

PERMIT DRAWING: 7 of 18



CROSS-SECTION 173+80



END VIEW 173+80

SYMBOLS

Proposed
Cross-section

Existing
Cross-section

SCALE

Horizontal: 1" = 10'
Vertical: 1" = 5'

NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1149)
DATE: JULY 26, 2001
STATION:

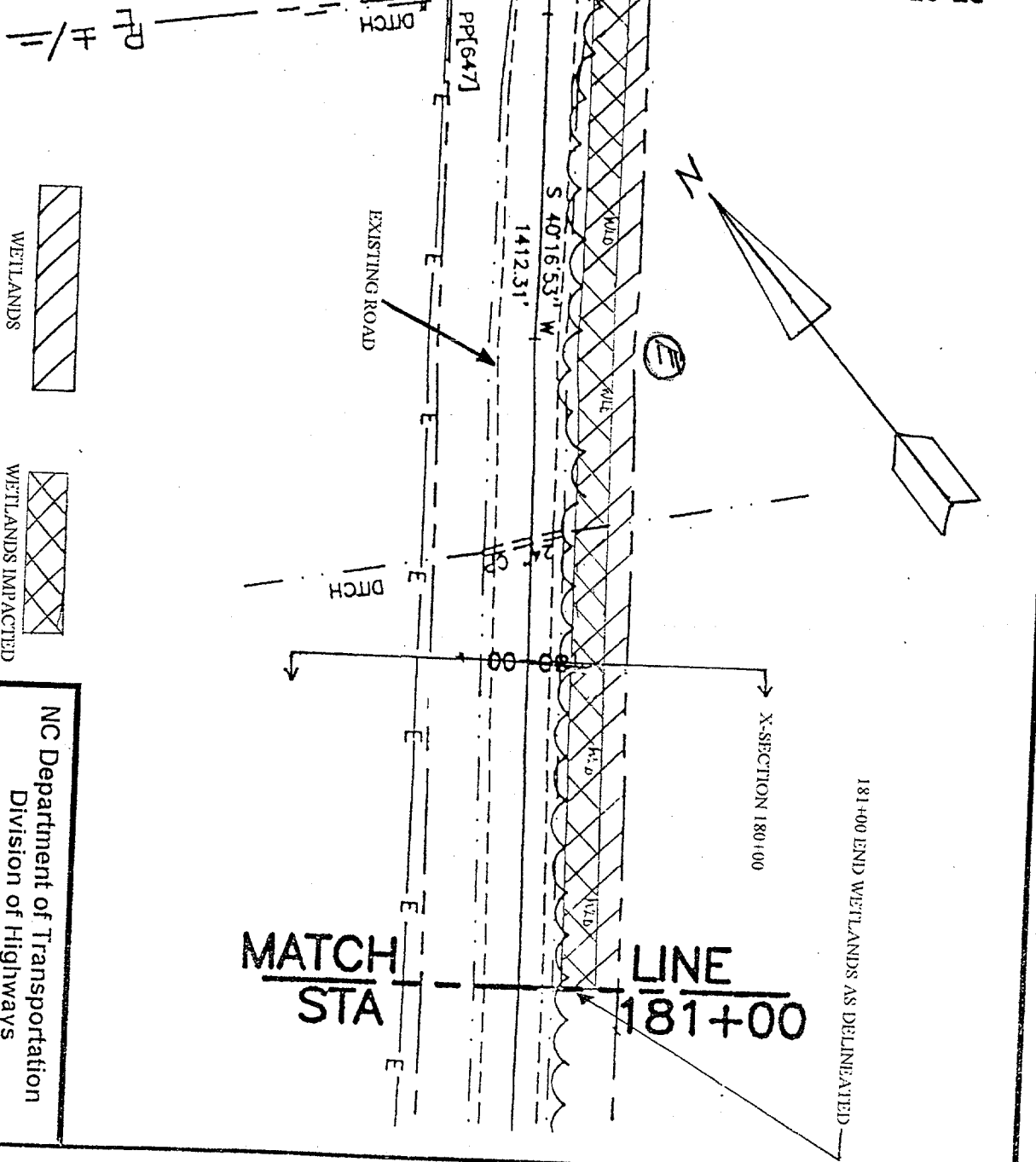
PERMIT DRAWING: 8 of 18

WOODS

176+92 BEGIN WETLANDS
AS DELINEATED

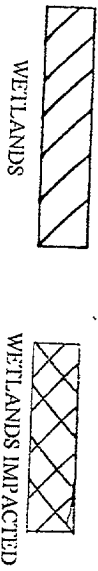
PT STA = 177+81.14
PC STA = 177+41.23
DITCH

CURVE C-19
DELTA = 04°47'23"
R = 477.46
L = 39.92
CH = 39.90
BRG = S 42°40'35" W
T = 19.97
D = 12°00'00"
E = 0.42
PI STA = 177+61.20



TOTAL WETLAND ACREAGE WITHIN R/W = 0.159

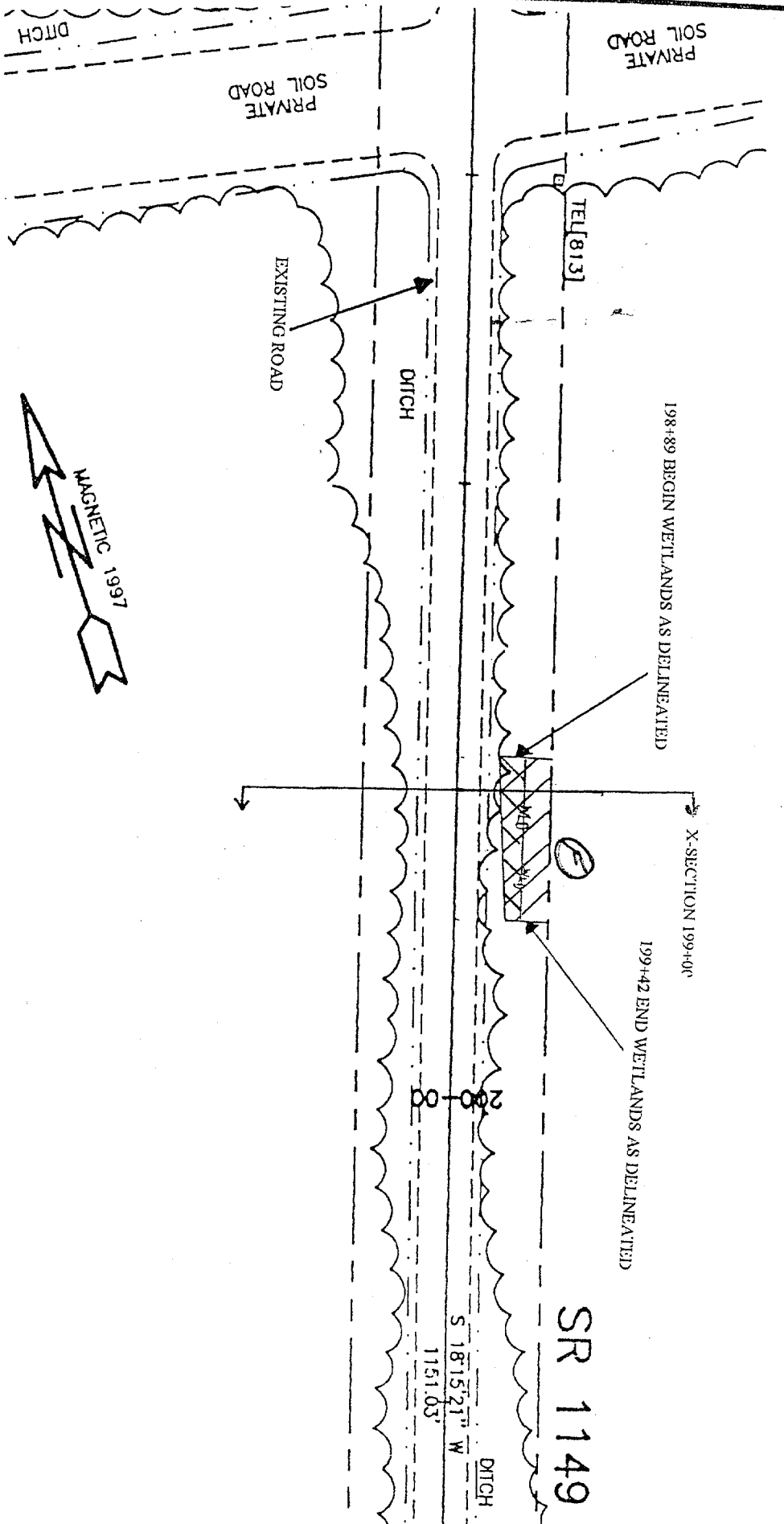
TOTAL WETLAND IMPACTED = 0.094



NC Department of Transportation
Division of Highways

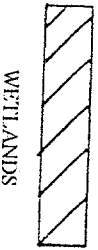
COUNTY: HYDE
QUAD: PAMILCO BEACH
BASIN: TAR-PAMILCO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 60'

PERMIT DRAWING: 9 of 18



TOTAL WETLAND ACREAGE WITHIN R/W = 0.019

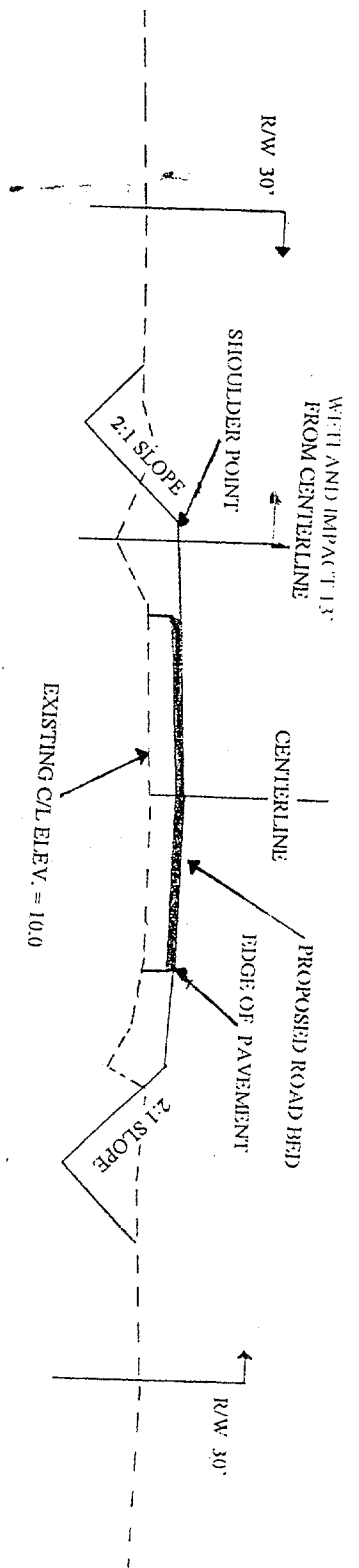
TOTAL WETLAND IMPACTED = 0.009



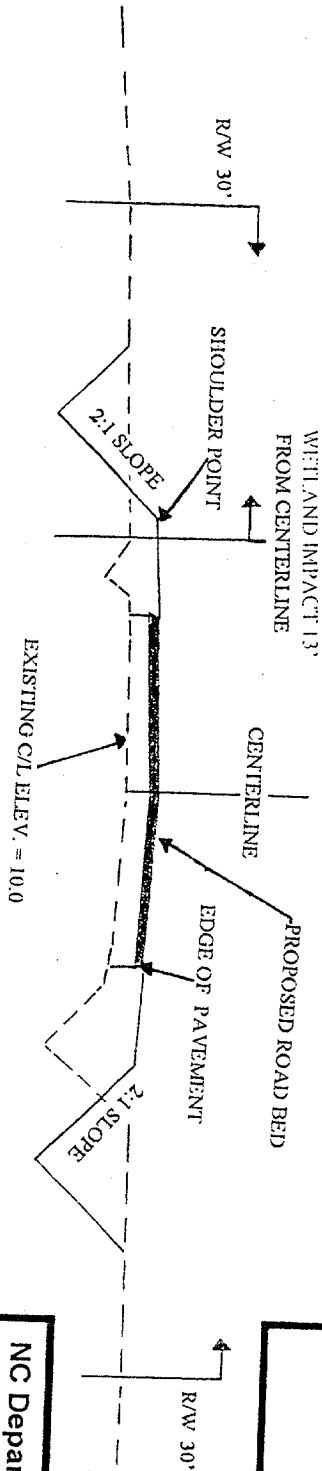
NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 50'

PERMIT DRAWING: 10 of 18



CROSS-SECTION 199+00



CROSS-SECTION 180+00

SYMBOLS

Proposed
Cross-section

Existing
Cross-section

SCALE

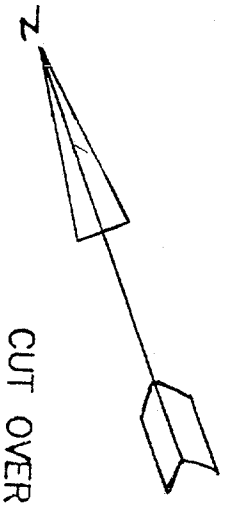
Horizontal: 1" = 10'

Vertical: 1" = 5'

NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1149)
DATE: JULY 26, 2001
STATION:

PERMIT DRAWING: 11 of 18



CUT OVER

EXISTING ROAD

SR 1149 MONTGOMERY ROAD

60' RIGHT-OF-WAY

MATCH STA

X-SECTION 219+00

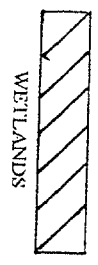
477.66
M .57, 14.81 S

215+98 BEGIN WETLANDS AS DELINEATED

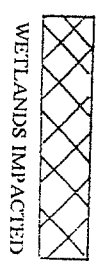
CUT OVER

(6)

LINE 220+00



WETLANDS



WETLANDS IMPACTED

TOTAL WETLAND ACREAGE WITHIN R/W = 0.138

TOTAL WETLAND IMPACTED = 0.083

NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 50'

PERMIT DRAWING: 12 of 18

MATCH LINE
STA 223+00

STA 223+20.80 P.I.N.C.
DELTA = 00°57'28"

SR 1149

(H) MONTGOMERY ROAD

X-SECTION 223+00

CUT OVER

MATCH STA

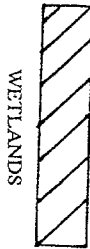
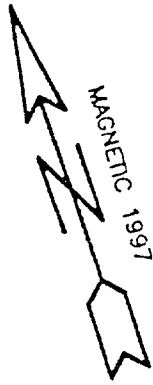
60' RIGHT-OF-WAY

EXISTING ROAD

DITCH

S 19°39'13" W
519.11'

227+00
LINE



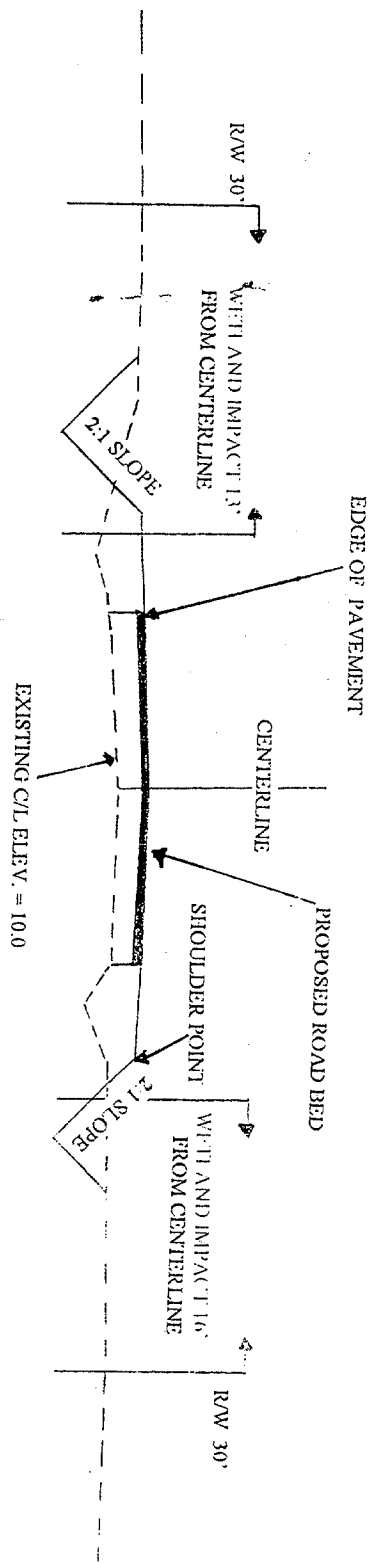
TOTAL WETLAND ACREAGE WITHIN R/W = 0.303

TOTAL WETLAND IMPACTED = 0.147

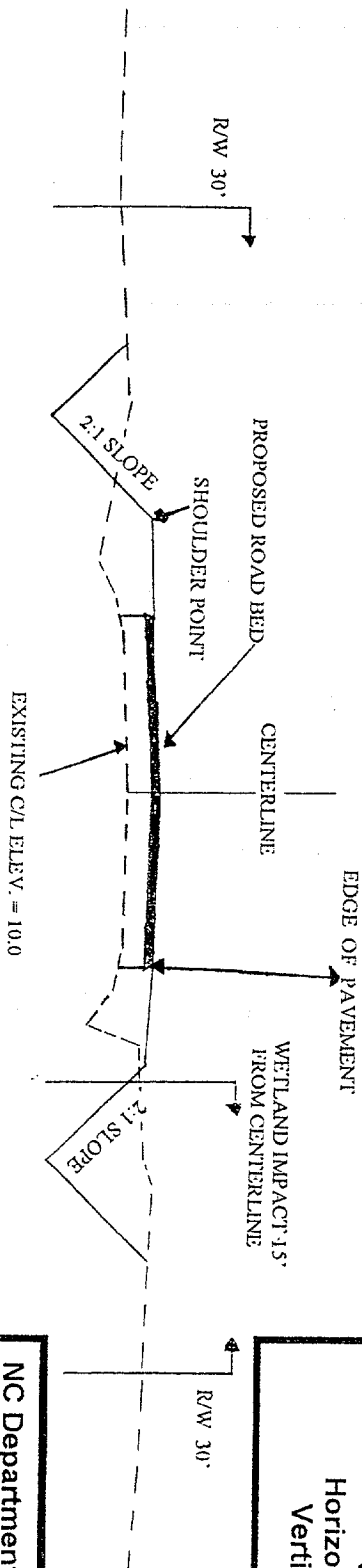
NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 50'

PERMIT DRAWING: 13 of 18



CROSS-SECTION 225+00



SYMBOLS

Proposed
Cross-section

Existing
Cross-section

SCALE

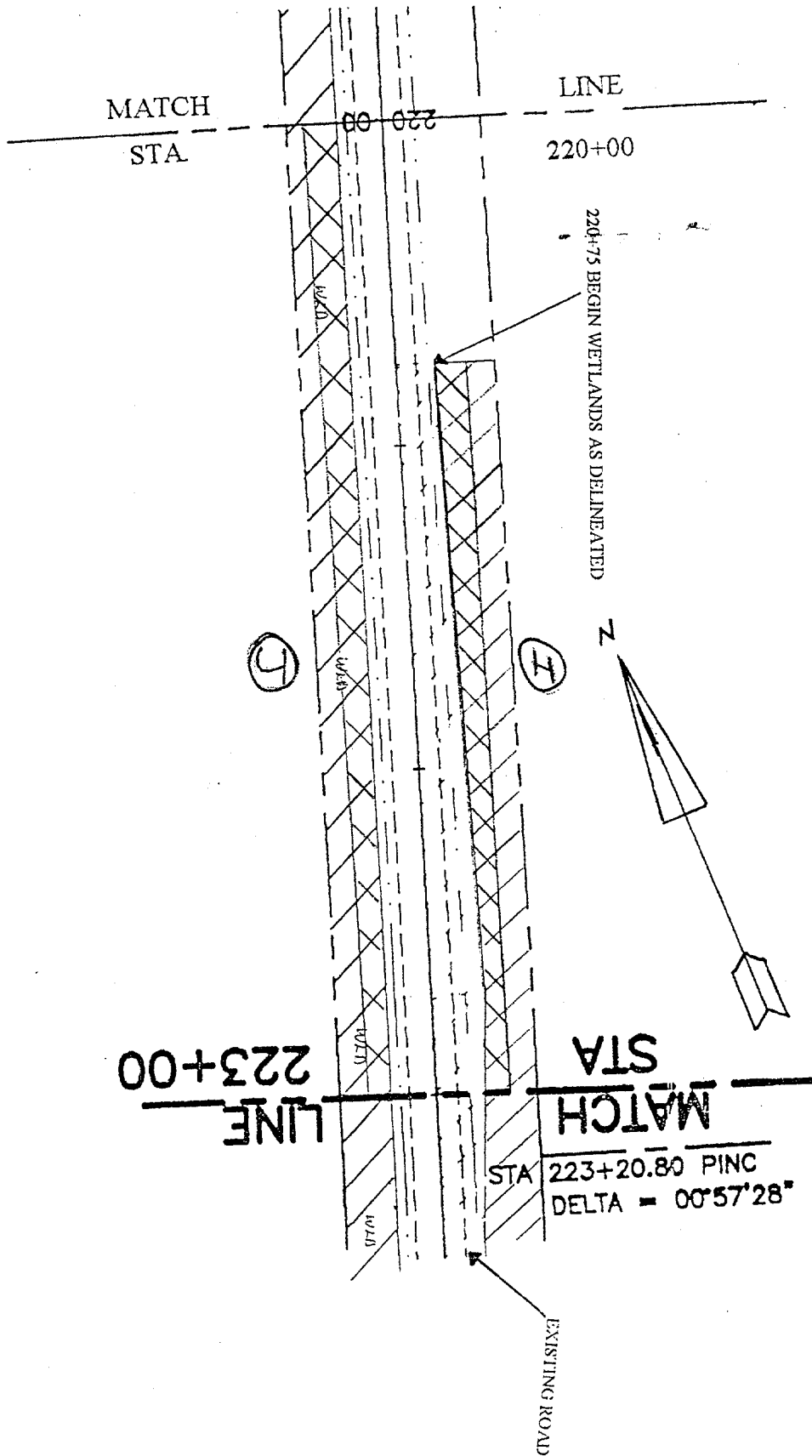
Horizontal: 1" = 10'
Vertical: 1" = 5'

CROSS-SECTION 219+00

NC Department of Transportation
Division of Highways

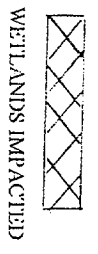
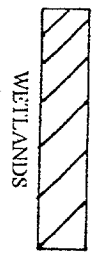
COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1149)
DATE: JULY 26, 2001
STATION:

PERMIT DRAWING: 14 of 18

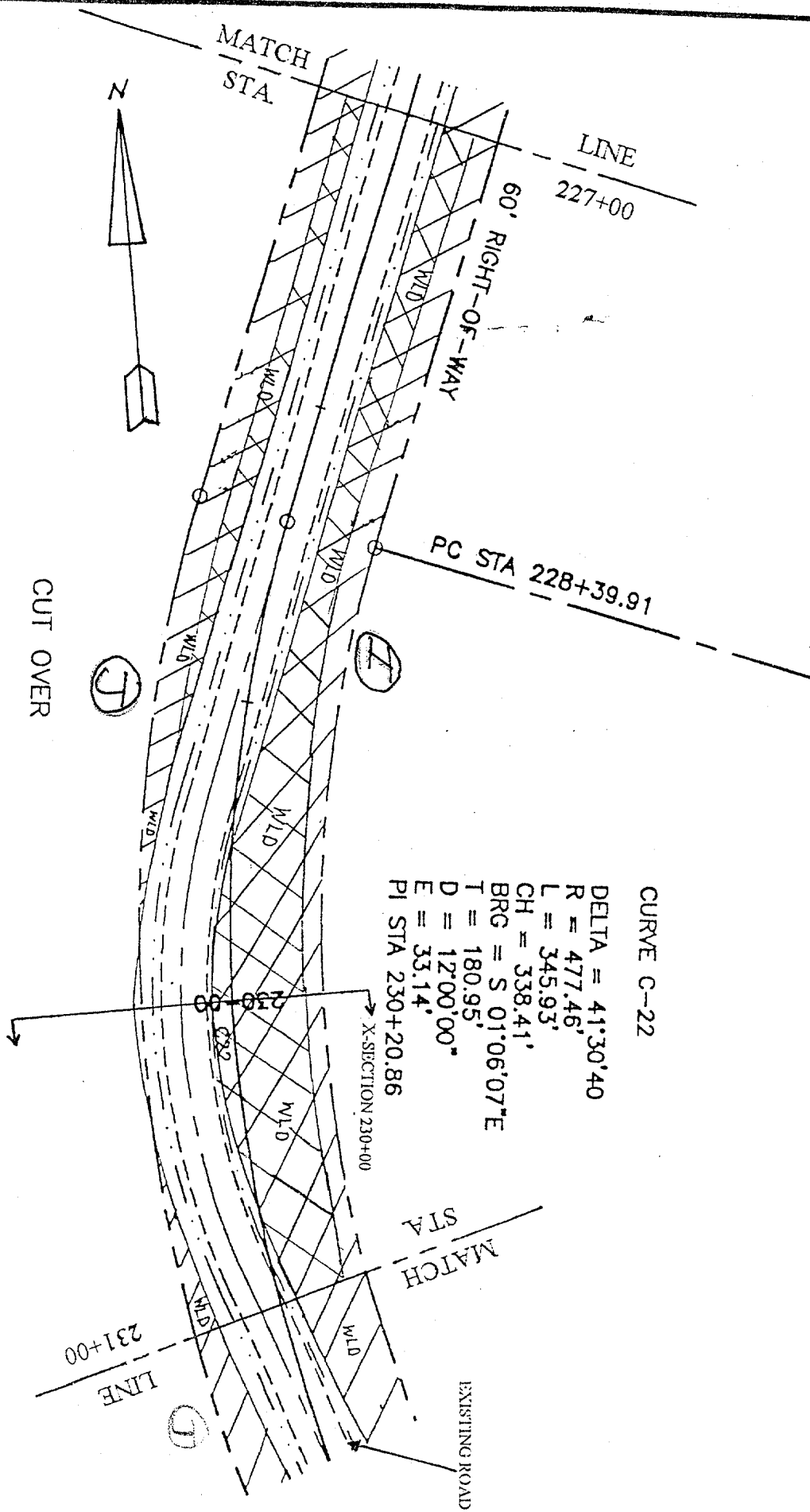


TOTAL WETLAND ACREAGE WITHIN R/W = 0.193

TOTAL WETLAND IMPACTED = 0.102



<p>NC Department of Transportation Division of Highways</p>	
COUNTY: HYDE	
QUAD: PAMLICO BEACH	
BASIN: TAR-PAMLICO	
PROJECT: MONTGOMERY RD (SR-1149)	
DATE: JULY 26, 2001	
SCALE: 1" = 50'	
<p>PERMIT DRAWING: 15 of 18</p>	

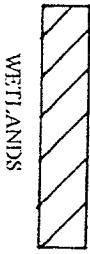


TOTAL WETLAND ACREAGE WITHIN R/W = 0.312

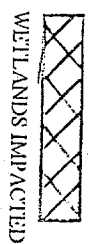
TOTAL WETLAND IMPACTED = 0.264

<p>NC Department of Transportation Division of Highways</p>	
COUNTY:	HYDE
QUAD:	PAMLICO BEACH
BASIN:	TAR-PAMLICO
PROJECT:	MONTGOMERY RD (SR-1149)
DATE:	JULY 26, 2001
SCALE:	1" = 50'
<p>PERMIT DRAWING: 16 of 18</p>	

TOTAL WETLAND ACREAGE WITHIN R/W = 0.235



TOTAL WETLAND IMPACTED = 0.115



END OF STATE MAINTENANCE

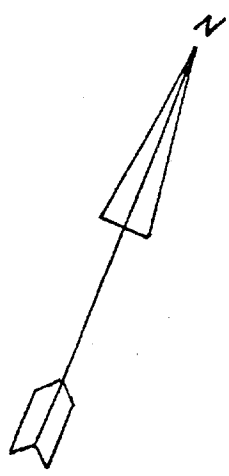
234+40 END WETLANDS AS DELINEATED

234+00 END WETLANDS AS DELINEATED

MATCH STA

LINE
231+00

PT STA 231+85.84



X-SECTION 233+00
S 21°51'27" E
350.20'

DITCH
PRIVATE
SOIL ROAD

DITCH

EXISTING ROAD

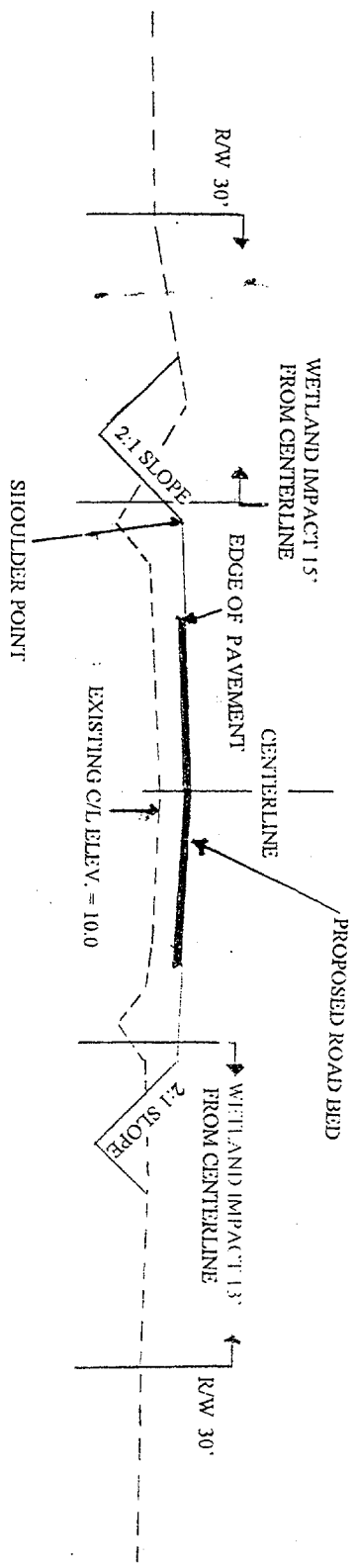
235+00

STA 234+40+/-

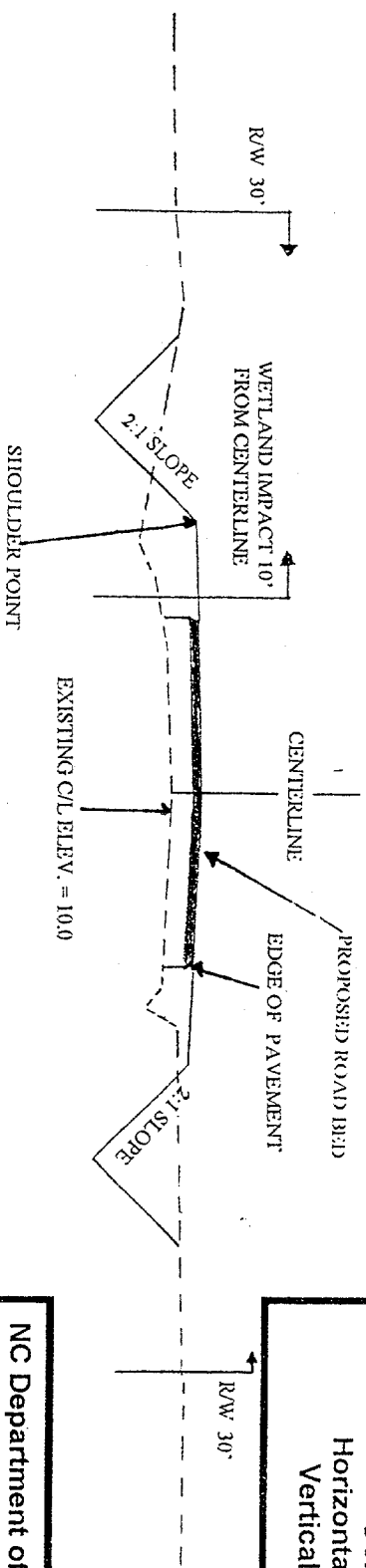
NC Department of Transportation
Division of Highways

COUNTY: HYDE
QUAD: PAMLICO BEACH
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY RD (SR-1149)
DATE: JULY 26, 2001
SCALE: 1" = 60'

PERMIT DRAWING: 17 of 18



CROSS-SECTION 233+00



CROSS-SECTION 230+00

SYMBOLS

Proposed
Cross-section

Existing
Cross-section

SCALE

Horizontal: 1" = 10'
Vertical: 1" = 5'

NC Department of Transportation
Division of Highways

COUNTY: HYDE
BASIN: TAR-PAMLICO
PROJECT: MONTGOMERY (SR-1149)
DATE: JULY 26, 2001
STATION:

PERMIT DRAWING: 18 of 18